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Attorneys for Defendant Leisnoi, Inc.

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ALASKA

OMAR STRATMAN,	)	
	)	
Plaintiff,	)	
	)	Case No. A02-0290 CV (JKS)
versus	)	
	)	
LEISNOI, INC., KONIAG, INC., and	)	AFFIDAVIT OF JOHN FITZGERALD
DIRK KEMPTHORNE, SECRETARY OF	)	IN SUPPORT OF LEISNOI, INC.'S
THE INTERIOR,	)	MOTION FOR AWARD OF
	)	ATTORNEYS FEES
Defendants.	)	
	)	

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I, JOHN RICHARD FITZGERALD, upon my oath do aver and swear to the following:

1. I am counsel for Leisnoi, Inc., and have personal knowledge of the matters set forth herein.
2. I have represented Leisnoi against Omar Stratman's decertification claims since 1995.
3. In the course of preparing this Motion for Award of Attorneys Fees, I obtained from Leisnoi, Inc. and reviewed a number attorneys bills the corporation managed to preserve that reflect charges it incurred from various law firms over several of the years the litigation has been pending, but the corporation does not have a complete set of all the bills it incurred since Stratman first filed suit in 1976.
4. In tabulating the charges attributable to the defense of Stratman's decertification case, I deleted about \$82,573 in charges that were attributable to the state court quiet title case, and charges of about \$50,788 that were attributable to the federal

quiet title case. I also deleted charges attributable to Leisnoi's legislative initiative in connection with a bill it lobbied Congress to pass. Furthermore, I deleted charges attributable to an Archaeology Resources Protection Act case involving Omar Stratman, and a state court forcible entry & detainer action against Mr. Stratman.

5. I included in the charges the \$721,000 attorney fee judgment entered in favor of Merdes & Merdes because Leisnoi incurred that debt in defending Mr. Stratman's allegations that Leisnoi had purportedly settled the decertification case with Stratman. Leisnoi has not yet fully satisfied that \$721,000.00 judgment.
6. Attorneys fees attributable to Stratman's decertification case and the proceedings before the IBLA consist of the following:

Merdes & Merdes (1991-1992) (Ward Merdes was on contingency fee, but fee arbitration reduced it to a monetary judgment)	\$ 721,000
Atkinson, Conway & Gagnon, Inc. (1987-1988) (hourly rate not stated, and particular attorneys working on the file not stated)	\$ 61,200
Longacre & Associates (1992) (Roy Longacre, billing @ \$175.00 per hour)	\$ 2,308
Edgar Paul Boyko & Associates (1995-1997) (EPB @ \$300 p/h; JRF @ \$180)	\$ 102,597
McAlpine & Cozad (1999-2005) (JRF @ \$180 p/h)	\$ 106,479
Governo Law Firm (2005-2006) (JRF @ \$180 p/h)	\$ 8,890
Morrison Mahoney LLP (2007) (JRF @ 180 p/h)	\$ 32,400
<b>TOTAL</b>	<b>\$1,034,874</b>

**FURTHER YOUR AFFIANT SAITH NAUGHT.**

**SIGNED UNDER THE PAINS AND PENALTIES OF PERJURY.**

  
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 JOHN RICHARD FITZGERALD

Date: October 10, 2007

**CERTIFICATE OF SERVICE**

I hereby certify that on October 10, 2007 a copy of the foregoing was served electronically upon Collin Middleton, Esq., Dean Dunsmore, Esq., and Michael Schneider, Esq.

/s/ John Richard Fitzgerald